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September 8, 2017

The Honorable Leonard P. Stark
United States District Court
J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

REDACTED PUBLIC VERSION

Re: *International Business Machines Corporation v. Groupon, Inc.*,
C.A. No. 16-122-LPS-CJB

Dear Chief Judge Stark:

The supplemental letter and declaration filed by IBM in support of its motion to exclude Ocean Tomo's employees from accessing confidential information under the Protective Order incorrectly states that [REDACTED] Groupon respectfully submits the attached declarations in response to IBM's submissions.

Groupon submits a declaration of Ryan Zurek attesting to the fact that [REDACTED]

[REDACTED] Groupon also submits a supplemental declaration of James Malackowski attesting to the fact that Ocean Tomo does not purchase patents on its own behalf. Mr. Malackowski's supplemental declaration also clarifies and corrects a misstatement in his prior declaration that [REDACTED]

Respectfully,

/s/ John G. Day

John G. Day

JGD: nml
Enclosures

cc: Counsel of Record (via electronic mail; w/enclosures)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS MACHINES)
CORPORATION)

Plaintiff,)

v.)

GROUPON, INC.)

Defendants.)

Civil Action No.
1:16-cv-00122-LPS-CJB

**DECLARATION OF RYAN ZUREK IN SUPPORT OF GROUPON, INC.'S RESPONSE
TO INTERNATIONAL BUSINESS MACHINES CORPORATION'S SUPPLEMENTAL
LETTER TO THE COURT REGARDING ITS MOTION TO EXCLUDE OCEAN
TOMO'S EMPLOYEES FROM ACCESSING CONFIDENTIAL INFORMATION
UNDER THE PROTECTIVE ORDER**

I, Ryan Zurek, declare that:

1. I am a Director in Ocean Tomo Investment Group and in Ocean Tomo, LLC's transactions practice. I have been asked to provide this declaration in connection with Groupon's response to International Business Machines Corporation's ("IBM") supplemental letter to the Court regarding its Motion to Exclude Ocean Tomo's Employees from Accessing Confidential Information Under the Protective Order. The statements in this declaration are based on my personal knowledge. If called to testify as a witness, I could and would competently do so under oath.

2. [REDACTED]

3. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

[REDACTED]

[REDACTED]

[REDACTED]

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 8, 2017



Ryan Zurek

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS MACHINES)
CORPORATION)

Plaintiff,)

v.)

GROUPON, INC.)

Defendants.)

Civil Action No.
1:16-cv-00122-LPS-CJB

**SUPPLEMENTAL DECLARATION OF JAMES E. MALACKOWSKI IN SUPPORT OF
GROUPON, INC.'S RESPONSE TO INTERNATIONAL BUSINESS MACHINES
CORPORATION'S SUPPLEMENTAL LETTER TO THE COURT REGARDING ITS
MOTION TO EXCLUDE OCEAN TOMO'S EMPLOYEES FROM ACCESSING
CONFIDENTIAL INFORMATION UNDER THE PROTECTIVE ORDER**

I, James E. Malackowski declare that:

1. I have been asked to provide this supplemental declaration in connection with Groupon's response to International Business Machines Corporation's ("IBM") supplemental letter to the Court regarding its Motion to Exclude Ocean Tomo's Employees from Accessing Confidential Information Under the Protective Order. The statements in this declaration are based on my personal knowledge. If called to testify as a witness, I could and would competently do so under oath.

2. I am the Chairman and Chief Executive Officer of Ocean Tomo, LLC. As stated in my initial declaration, Ocean Tomo has a division that provides IP transaction brokerage services. Ocean Tomo does not purchase patents on its own behalf.

3. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I declare under penalty of perjury that the foregoing is true and correct.



Executed on: September 8, 2017

James E. Malackowski